

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RUSSELL ROBINSON
Plaintiff,

v.

**CHAD GRANT , Federal U.S. Marshall,
and ROGER BOMENBLIT, Federal U.S.
Marshall,**
Defendants.

CIVIL ACTION

NO. 10-1184

MEMORANDUM

DUBOIS, J.

MAY 12, 2010

Plaintiff, a prisoner at the State Correctional Institution at Graterford, has filed a *pro se Bivens*¹ action against two United States Marshals. Plaintiff alleges, in essence, that he was the victim of an illegal search and seizure, and that he was falsely arrested by defendants. In his prayer for relief, he is requesting money damages.

The Court dismissed plaintiff's original Complaint by Memorandum and Order dated April 14, 2010, on the ground that it was insufficient in that plaintiff failed to adequately detail the status of his state criminal proceedings. On May 4, 2010, plaintiff filed an Amended Complaint in accordance with the April 14, 2010, Memorandum and Order. In the Amended Complaint, plaintiff stated that his criminal case is pending in the Pennsylvania Superior Court.

The question of the relief, if any, to which plaintiff is entitled, depends upon the outcome of his state criminal proceedings. Under the circumstances presented, with ongoing criminal proceedings in state court, plaintiff's civil rights case seeking compensatory damages, must be stayed pending the outcome of the state criminal proceedings. *See Williams v. Hepting*, 844 F.2d 138, 144-45 (3d Cir.), *cert. denied*, 488 U.S. 851 (1988).

An appropriate Order follows.

¹In *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), the Supreme Court established a direct cause of action under the Constitution against federal officials for the violation of constitutional rights.